IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE
MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WA.No. 273 of 2007(c)

AGAINST THE JUDGEMENT/ORDER IN OP.22241/2000 Dated 28/03/2006

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APPELLANTS: RESPONDENT NOS.1 AND 2
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1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
MUSEUM ROAD, REGD. OFFICE,
BHDRATHA, P.B. NO.510, THRISSUR.
REPRESENTED BY
ITS GENERAL MANAGER.

2. BRANCH MANAGER,
KERALA STATE FINANCIAL ENTERPRISES LTD.,
BRANCH OFFICE, LOGANS ROAD, THALASSERY,
KANNUR.

BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.

RESPONDENTS: PETITIONER /RESPONDENTS 3 TO 5
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1. SHAYAMALA U.P., W/O. SURENDRAN P.P.,
VAYALIKUNIYIL HOUSE, P.O.PERINGADI,
CHOKLI VILLAGE, KANNUR DISTRICT.

2. SPECIAL DEPUTY TAHSILDAR, K.S.F.E. LTD.,
REGIONAL OFFICE, SOUTH BAZAR,
KANNUR-2. (KALLAI ROAD, KOZHIKODE -OLD ADDRESS).

3. THE VILLAGE OFFICER,
CHOKLI VILLAGE OFFICE, CHOKLI P.O.,
KANNUR DISTRICT.

4. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, FINANCE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

BY ADV. SRI.K.P.SARVOTHAMAN
GOVERNMENT PLEADER SRI. T.B. HOOD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN(AG.C.J.) & M.N. KRISHNAN,J.

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W.A. NO. 273 OF 2007

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Dated this the 19th day of February, 2007.

J U D G M E N T

Radhakrishnan,(Ag.C.J.)

We find no illegality in the finding of the learned Single Judge holding that the appellant has no legal right to recover the balance amount of subscription from the respondent/petitioner. The respondent has already paid two installments towards the subscription for which the appellant has already appropriated. Under such circumstances, there is no justification legally or morally to recover the balance amount from the respondent. The learned Single Judge has rightly held so. Hence, we find no reasonable ground to interfere with the judgment of the learned Single Judge. Appeal lacks merit and it is dismissed.

K.S. RADHAKRISHNAN,
(AG. CHIEF JUSTICE).

M.N. KRISHNAN, JUDGE.

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